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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,667	09/30/2003	Francis M. Creighton IV	5236-000440	5015
28997	7590	09/25/2006		
HARNESS, DICKEY, & PIERCE, P.L.C 7700 BONHOMME, STE 400 ST. LOUIS, MO 63105				
			EXAMINER RAMIREZ, JOHN FERNANDO	
			ART UNIT 3737	PAPER NUMBER

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/674,667	Applicant(s) CREIGHTON ET AL.	
	Examiner John F. Ramirez	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- 57 is/are pending in the application.
- 4a) Of the above claim(s) 1-38, 42-44, 48-50, and 53-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-41, 45-47, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 1-38, 42-44, 48-50, and 53-57 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 30, 2006.

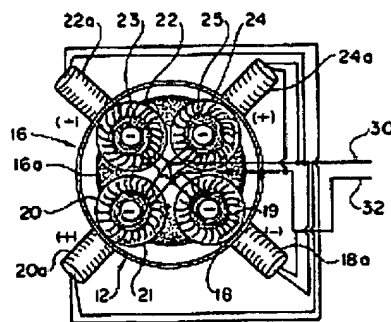
Claim Rejections - 35 USC § 102

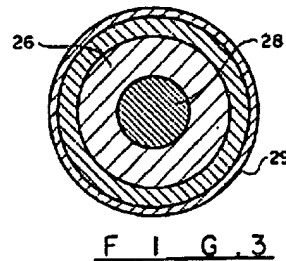
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

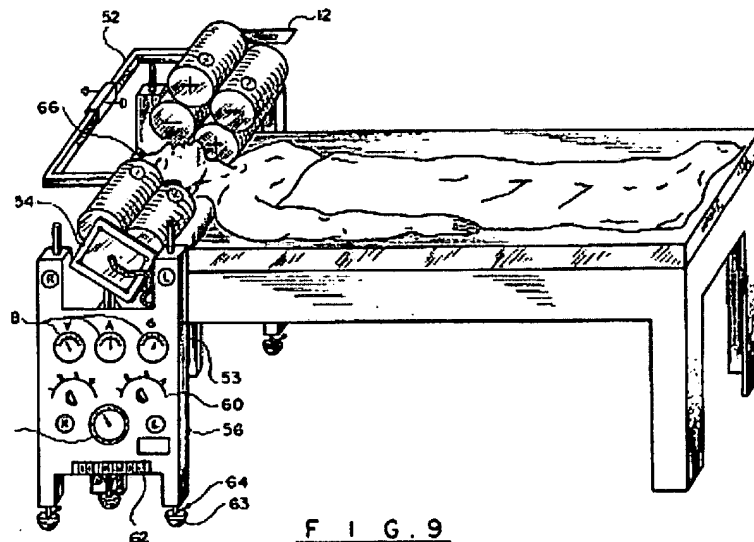
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 39, 41 and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Holcomb (US 6,042,531).





Holcomb discloses a magnet having a front and a back face and comprising a plurality of segments (see Figs. 9,11), the segments each magnetized to provide substantially the maximum magnetic field in a selected direction at an operating point spaced from the front face, the back face being substantially contoured to follow a surface of constant contribution to magnetic field in the selected direction at the operating point (abstract, column 15, lines 5-67, Figs. 2 and 3).



With respect to claims 45-47, Holcomb '531 shows as described above a magnet for applying magnetic field in a selected direction at a selected operating point

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(abstract), the magnet comprising a front face generally facing the operating point, and a back face facing away from the operating point, the back face generally conforming to a constant contribution surface of the magnetic field in the selected direction, and wherein the magnet is divided into a plurality of segments (figure 2, elements 22,24,20,18) segment comprises a front face, generally facing the operating point, the back face generally facing away from the operating point, the back face generally conforming to a constant contribution surface of the magnetic field in the selected direction (see Figures 9, 11 and related description).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holcomb (US 6,042,531) in view of Holcomb (US 5,312,321).

Holcomb '531, teaches all the limitations of the claimed subject matter except for mentioning specifically that each segment of the magnet is magnetized in the direction of magnetization that, at the center of mass of the segment, provides the maximum

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contribution to the magnetic field in the selected direction at the selected operating point.

However, a magnet in which each segment is magnetized in the direction of magnetization that, at the center of mass of the segment, provides the maximum contribution to the magnetic field in the selected direction at the selected operating point is considered conventional in the art as evidenced by the teachings of Holcomb (US 5,312,321).

The Holcomb '321 patent teaches a magnet in which each segment is magnetized in the direction of magnetization that, at the center of mass of the segment, provides the maximum contribution to the magnetic field in the selected direction at the selected operating point. (see figures 2, 3 and 5, column 3, lines 42-68 and column 4, lines 1-26).

Based on the above observations, for a person of ordinary skill in the art, modifying the method disclosed by Holcomb'531, with the above discussed enhancements would have been considered obvious because such modifications would provide that the magnetic field and its gradient is concentrated on the central axis of each magnet rather than being distributed uniformly over the face of the magnet, so that the device will perform properly, such magnetic field distribution has a significant factor in the effectiveness of the magnetic device.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F. Ramirez whose telephone number is (571) 272-8685. The examiner can normally be reached on (Mon-Fri) 7:30 - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFR
9/15/06


BRIAN L. CASLER
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